

Application No. 10/749,368  
Response dated October 29, 2007  
Reply to Notice of Allowance dated October 12, 2007

### **REMARKS**

Claims 1-64 are presented for Examiner Chapman's consideration.

Claims 1-64 stand as allowed by way of the Notice of Allowance dated October 12, 2007. However, claims 1, 22, 43, and 64 have been amended to further clarify that the opening is a slit or aperture through the elastic inner layer. Support for this amendment can be found throughout the specification including at page 12, line 18 and at Figs. 1 and 9. No new matter has been added.

Furthermore, Applicants direct Examiner Chapman's attention to copending patent application 10/750,253 which was filed on December 31, 2003 and is directed to similar subject matter as the present application and is pending before Examiner Craig. Patent application 10/750,253 was disclosed to the USPTO in the present case via an Information Disclosure Statement (IDS) dated June 16, 2004. During prosecution of application 10/750,253, Examiner Craig rejected claims with subject matter similar to those pending in the present case based on U.S. Patent 6,174,303 to Surprise et al. Surprise was disclosed to the USPTO in the present case via the IDS dated June 16, 2004. By way of these remarks, Examiner Craig's rejection of copending application 10/750,253 in view of Surprise et al. is being disclosed herein to Examiner Chapman.

Applicants respectfully submit that the present claims are patentably distinct over Surprise. Thus, by disclosing Examiner Craig's rejection, Applicants in no way admit that Surprise is effective as prior art against the present application under either 35 U.S.C. 102 or 35 U.S.C. 103. Additionally, disclosure of Examiner Craig's rejection is not to be taken as an admission of the materiality of the document or the rejection with regard to the prosecution of the present application.

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the foregoing is respectfully requested.

It is respectfully submitted that all of the presently presented claims are in form for allowance.

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Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide,  
Inc. deposit account number 11-0875.

The undersigned may be reached at (920) 721-3016.

Respectfully submitted,

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